

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

May 15, 2009

DIVISION ONE

B211839 People (Not for Publication)
v.
Banks

The judgment is affirmed.

Rothschild, J.

We concur: Mallano, P.J.
 Weisberg, J. (Assigned)

B205299 People (Not for Publication)
v.
Hall

The judgment is affirmed and the trial court is ordered to prepare a corrected abstract of judgment which reflects that sentences on all counts except count 17 were stayed pursuant to Penal Code section 654 and to forward a copy of the correct abstract to the Department of Corrections and Rehabilitation.

Mallano, P.J.

We concur: Rothschild, J.
Weisberg, J. (Assigned)

May 15, 2009 (Continued)

DIVISION TWO

[illegible]

The judgment is modified to strike the construction penalty imposed upon defendant pursuant to Government Code section 70372. In all other respects, the judgment is affirmed. The superior court is directed to amend the abstract of judgment to reflect the modification and to forward a corrected copy to the Department of Corrections and Rehabilitation.

Chavez, J.

We concur: Doi Todd, Acting P.J.
Ashmann-Gerst, J.

B210940 People (Not for Publication)
v.
Martinez

The Court:

The judgment is affirmed.

Boren, P.J., Ashmann-Gerst, J., Chavez, J.

DIVISION FOUR

Court convened at 9:00 a.m.

Present: Epstein, P.J., Willhite, J., Manella, J. and V. Guzman , Deputy Clerk.

Each of the following:

B205294 People v. Armijo
B205894 People v. Maldonado
B207314 Khanbabapour et al. v. H.C. Makabe & Sons

Argument waived, cause submitted.

DIVISION FOUR (continued)

B196062 Norrie
 v.
 Lane & Highview Investments

Merits:
Argued by Greg May for appellant and by Elizabeth A. Moriarty for
respondent. Cause submitted.

B208024 J.J. Lee Management Co., Inc.
 v.
 Pelayo

Merits:
Argued by Steven L. Sugars for appellant and by Douglas G. Benedon for
respondent. Cause submitted.

B195083 Jazayeri et al.
 v.
 Mao et al.

Merits:
Argued by John T. Dean for appellants and by James Palmer for
respondents. Cause submitted.

B196249 B.S.
 v.
 County of Los Angeles

Merits:
Argued by Sanford Jossen for appellant and by Chara L. Crane for
respondent. Cause submitted.

Court adjourned.

May 15, 2009 (Continued)

DIVISION FIVE

B211429 People (Not for Publication)
v.
D.A.

The judgment is affirmed.

Mosk, J.

We concur: Armstrong, Acting P.J.
 Kriegler, J.

B207083 People (Not for Publication)
v.
Ronald Stupin

The judgment is affirmed.

Armstrong, Acting P.J.

We concur: Mosk, J.
Kriegler, J.

B206862 People (Not for Publication)
v.
Eric Valderrama

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.
 Kriegler, J.

May 15, 2009 (Continued)

DIVISION FIVE (continued)

B203709 Men Thi Pham
v.
Tung Hoang Vo

(Not for Publication)

The appeal by the group is dismissed. With respect to defendant's appeal, the judgment is reversed. The parties are to bear their own costs on appeal.

Mosk, J.

We concur: Turner, P.J.
 Armstrong, J.

B200830 First National Insurance Company, et al., (Certified for Publication)
v.
Cam Painting, Inc., et al.,

The judgment in favor of First National and against Cam is reversed, as is the award of attorney's fees to First National as prevailing party in this case, against Cam. The judgment in favor of Cam and against Sabco and First National is ordered amended, so that First National is jointly and severally liable for the attorneys' fees award. Appellant to recover costs on appeal.

Armstrong, J.

We concur: Turner, P.J.
 Mosk, J.

May 15, 2009 (Continued)

DIVISION FIVE (continued)

B205392 People (Not for Publication)
v.
Donald W. Greer

The trial court's decision not to award presentence custody credit for the period defendant was also in custody in the second case (No. SA060525) is affirmed. The trial court's award of 394 days of presentence custody credit in this case is reversed and the matter is remanded to the trial court with instructions to determine the date on which defendant became eligible for parole in the second case and to calculate the number of days of actual custody credit to which defendant is entitled for the period from the parole date to the date of sentencing in this case. The trial court should then award defendant the number of days of actual custody credit determined by that calculation, award an additional nine days of actual custody credit for the period from defendant's arrest to the posting of bail, and award an additional 13 days of actual custody credit for the period between the date he was remanded to custody in this case and the date he was remanded in the second case. The trial court should aggregate defendant's actual custody credit for purpose of calculating the conduct credit to which he is entitled and amend the abstract of judgment to reflect the total presentence custody credit awarded.

Mosk, J.

We concur: Turner, P.J.
 Armstrong, J.

DIVISION SEVEN

B205344 Scottish American Media
v.
NBC Universal, et al.

Filed order denying petition for rehearing.

May 15, 2009 (Continued)

DIVISION EIGHT

B207706 Henrik Sardariani et al., (Not for Publication)
 v.
 Raymond Aver

The judgment is affirmed. Aver is to recover his costs.

Rubin, Acting P.J.

We concur: Flier, J.
 Bigelow, J.

B204815 People
 v.
 Ramon Palacios

Filed order denying petition for rehearing.